

BILL NO. S-67-09-13

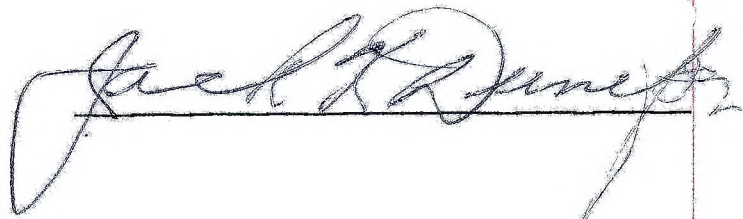
SPECIAL ORDINANCE NO. S-536-67

AN ORDINANCE approving Resolution of Board of Public Works concerning contract with Indiana Suburban Sewers, Inc.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Resolution of the Board of Public Works dated August 3, 1967, setting forth the continuation of the contract dated March 17, 1966 between the Board of Public Works and Indiana Suburban Sewers, Inc., and removing the time limitation imposed July 17, 1967 by the Board upon said Indiana Suburban Sewers, Inc. in connection with the 7700 acre territory located East of and outside the City of Fort Wayne, Indiana, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



APPROVED AS TO FORM
AND LEGALITY


CITY ATTORNEY

8/2/67
51-64-4

RESOLUTION OF BOARD OF PUBLIC WORKS OF CITY OF FORT WAYNE

WHEREAS, it is the sense of the Board of Public Works that the effect of the Public Service Commission order of July 28, 1967 granting a rehearing in PSCI Cause No. 31154, upon the petition of Indiana Suburban Sewers, Inc. and joined in by the City of Fort Wayne, has suspended any effect of the July 14, 1967, Commission order as being final, and has restored the proceeding to a pending status;

NOW, THEREFORE BE AND IT IS HEREBY RESOLVED by the Board of Public Works of the City of Fort Wayne in regular meeting, this 3rd day of August, 1967:

1. The contract, dated March 17, 1966, between this Board and Indiana Suburban, as finally approved by the City Council on April 29, 1966, remains in full force and binding effect, and this Board and the City of Fort Wayne remain bound to Indiana Suburban to honor said contract according to its terms, and to accept and treat in its municipal sewage treatment plant, sewage to be collected by Indiana Suburban in the 7700 acre subject territory lying immediately east and outside the City of Fort Wayne, subject only to the issuance by the Public Service Commission to Indiana Suburban of the certificate of territorial authority for which Indiana Suburban has applied in said pending Commission proceeding;
2. This Board commends the action of Indiana Suburban in petitioning for a rehearing as aforesaid, and ratifies and confirms the action of the Board and City attorneys in joining in and signing a supporting petition for and on behalf of this Board and the City of Fort Wayne, and authorizes and directs said attorneys to take all necessary and appropriate action to accomplish the purpose of said rehearing and to actively support Indiana Suburban in obtaining its requested certificate;
3. The Board's resolution of July 17, 1967, provided for a time limitation upon Indiana Suburban to obtain said certificate, which limitation was predicated upon the Commission order of July 14, 1967 whose effect has been suspended; accordingly, said time limitation is hereby removed until further order of the Commission;
4. The emergency sewer installation work commenced in the subject territory by this Board was intended to be, and is, and remains in all things, subject to said contract with Indiana Suburban, and this Board affirms that upon Indiana Suburban obtaining said certificate from said Commission, any and all lines so installed will be turned over to Indiana Suburban upon its assuming the liability for the cost thereof.


Fred S. Ehrman

Robert W. Dahman


George F. Gable

ATTEST:


Kenneth McGraw, Clerk

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

CERTIFICATION OF ADOPTION OF RESOLUTION
BY BOARD OF PUBLIC WORKS, CITY OF FORT
WAYNE, INDIANA

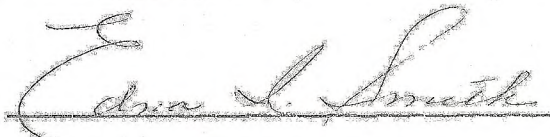
KENNETH MCGRAW, being duly sworn upon his oath, deposes and says:
That he is the duly appointed and presently acting Clerk of the Board of
Public Works of the City of Fort Wayne, Indiana, and that as such Clerk
he has supervision and control of the minute books of said Board of Public
Works of the City of Fort Wayne, Indiana.

That as such Clerk, he does hereby certify that the following is
a true and exact copy of a resolution adopted by the Board of Public Works
of the City of Fort Wayne, Indiana, on the 3rd day of August, 1967, which
resolution was adopted by said Board of Public Works at a regular meeting
at which a quorum of two out of three was present during the conduct of
said meeting and at the time of adoption of the resolution herein certified
to; that said resolution, as adopted, appears in Minute Record Book 51,
page 64, paragraph 4, of the minute records of said Board of Public Works.

The undersigned does further certify that the said Fred S. Ehrman
and George F. Gable, whose names appear at the bottom of said resolution,
are each duly appointed members of said Board of Public Works of the City
of Fort Wayne, Indiana, and were such upon the date of the adoption of said
resolution hereby certified to.



Subscribed and sworn to before me, this 3rd day of August, 1967.



My Commission expires:

October 13, 1968

Bill No. S-67-09-13

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance

approving Resolution of Board of Public Works concerning contract with

Indiana Suburban Sewers, Inc.

have had said Ordinance under consideration and beg leave to report back to the Common

Council that said Ordinance DO PASS.

JACK K. DUNIFON, Chairman

JOHN H. ROBINSON, Vice-Chairman

JOHN NUCKOLS

WILLIAM T. HINGA

HERBERT G. TIPTON.

Jack K. Dunifon
John H. Robinson
John Nuckols
William T. Hinga
Herbert G. Tipton

CONCURRED IN

DATE 9-26-67 FUAD G. BONAHOOM, CITY CLERK

Read the first time in full and on motion by Dunifon seconded by Buchanan and duly adopted, read the second time by title and referred to the (Committee on) city utilities (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the _____ day of _____, 196____, at _____ o'clock P.M., E.S.T.

Date: 9-12-67

Fuad G. Bonahoom
CITY CLERK

Read the third time in full and on motion by Dunifon seconded by Steigerwald and duly adopted, placed on its passage. Passed (~~over~~) by the following vote:

AYES 9, NAYS 0, ABSTAINED _____, ABSENT _____ to-wit:

Buchanan	<u>✓</u>	_____	_____
Dunifon	<u>✓</u>	_____	_____
Fay	<u>✓</u>	_____	_____
Hinga	<u>✓</u>	_____	_____
Nuckols	<u>✓</u>	_____	_____
Robinson	<u>✓</u>	_____	_____
Rousseau	<u>✓</u>	_____	_____
Steigerwald	<u>✓</u>	_____	_____
Tipton	<u>✓</u>	_____	_____

Date 9-26-67

Fuad G. Bonahoom
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~)(~~General~~)(~~Annexation~~)(~~Special~~)(~~Appropriation~~) Ordinance (~~Resolution~~) No. S-536-67 on the 26th day of Sept., 1967.

ATTEST: (SEAL)

Fuad G. Bonahoom
CITY CLERK

Elmer J. Korman
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of Sept., 1967 at the hour of 10:00 o'clock A.M., E.S.T.

Fuad G. Bonahoom
CITY CLERK

Approved and signed by me this 27th day of September, 1967, at the hour of 10:27 o'clock A.M., E.S.T.

Harold S. Feis
MAYOR